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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,281	09/12/2003	Michael Rivers JR.	42208.0400	7661
20322	7590	06/14/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 61 10/661,281	Applicant(s) RIVERS ET AL.	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-15 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-15 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

HC

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 9-15, 18, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (US 6,776,459 B2) in view of Murnin (US 1,500,884). Fitzgerald discloses a wheel spinner assembly mountable to a first wheel face and second wheel face of a wheel of a vehicle, the assembly comprising a first spinner (11) rotatably mountable to said wheel in proximity to said first wheel face, said first spinner including a first spinner central bore through which at least one of a wheel axle shaft and a first side wheel hub is insertable during mounting to said wheel, wherein said first spinner rotates around said at least one said wheel axle shaft and first side wheel hub when said wheel rotates and wherein said first spinner substantially continues to rotate when said wheel ceases rotation, a second spinner (11) rotatably mountable to said wheel in proximity to said second wheel face as disclosed in col 1, lines 45-52, said second spinner including a second spinner central bore through which at least one of said wheel axle shaft and a second side wheel hub is insertable during mounting to said wheel, wherein said second spinner rotates around at least one said wheel axle shaft and second side wheel hub when said wheel rotates and wherein said second spinner

Art Unit: 3617

substantially continues to rotate when said wheel ceases rotation, and a friction reducing means (12) in physical communication with said first spinner central bore, said friction reducing means configured to be fitted circumspect at least one of said wheel axle shaft and first side wheel hub, said friction reducing means supporting said first spinner.

A retaining means (10) is provided in physical communication with said friction reducing means in accordance with claim 2.

A spacer (13) including a bore is provided in communication with the friction reducing means and a first wheel hub (14) in accordance with claim 3.

Fitzgerald teaches all of the features as disclosed above but does not disclose a spinner assembly comprising a spinner through which an axle and a hub is insertable therethrough in addition to a bushing. The general concept of providing a spinner through which an axle and a hub is insertable therethrough in addition to a bushing in a spinner assembly is well known in the art as illustrated by Murnin which discloses the teaching of a spinner through which an axle and a hub is insertable therethrough in addition to a bushing in a wheel spinner assembly. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fitzgerald to include the use of a spinner through which an axle and a hub is insertable therethrough in addition to a bushing in his advantageous spinner assembly as taught by Murnin in order to prevent loosening of the spinner assembly when exposed to high wind loading thereby improving safety.

Art Unit: 3617

3. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald in view of Fenton (US 3,336,084).

Fitzgerald teaches all the limitations of claims 8 and 19 except for a wheel spinner assembly comprising radially disposed pockets responsive to the friction of passing air for increasing angular momentum. The general concept of providing a wheel spinner assembly comprising radially disposed pockets responsive to the friction of passing air for increasing angular momentum is well known in the art as illustrated by Fenton which disclose the teaching of radially disposed pockets responsive to the friction of passing air for increasing angular momentum in a spinner (63). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fitzgerald to include the use of a wheel spinner assembly comprising radially disposed pockets responsive to the friction of passing air for increasing angular momentum in his advantageous wheel spinner assembly as taught by Fenton in order to reduce the weight of the spinner assembly.

Response to Arguments

4. Applicant's arguments filed 04/27/2005 have been fully considered but they are moot in view of the new ground of rejection.

Applicant's amendment of the claims to recite a first and a second spinner assembly mounted to the wheel is fully met by the Fitzgerald reference with the exception with an axle shaft of the wheel extending therethrough.

Conclusion

Art Unit: 3617

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

June 8, 2005

**FRANTZ F. JULES
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', is written over a horizontal line.